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February 19, 2016

BY ECF

Honorable Paul G. Gardephe
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Torres v. The City of New York, et al.
15 CV 2864 (PGG)

Your Honor:

This firm represents the Plaintiff. Plaintiff submits this letter to request an extension of time to complete discovery from February 29, 2016 up to and including April 14, 2016. Defendants consent to this request. This is the second such request, the first request having been jointly submitted and granted. Document discovery is largely completed, and depositions of both parties have been held.

By way of brief review, this is a civil rights action brought pursuant to 42 U.S.C. Section 1983, wherein Plaintiff alleges that he was falsely arrested by members of the NYPD, and maliciously prosecuted, before his charges were dismissed.

Plaintiff requests this extension to allow this office time to take the non-party depositions of three members of the NYPD. The extent of the involvement of these individuals in the subject incident did not become apparent until Defendant Ruggieri was deposed this week, on February 18th. During the deposition, Defendant Ruggieri testified that there were three additional members of the NYPD present at the scene of the arrest: according to Ruggieri, one of the individuals observed Plaintiff's alleged illegal conduct, and the other two arrested the Plaintiff. The Defendant and three non-parties were working as part of the same observation unit on the date of the arrest.



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As is stands currently, Defense counsel is scheduled to depose two non-party witnesses this coming week, and I have several depositions scheduled in other cases throughout March and April. Accordingly, the requested extension is necessary to permit time to subpoena and depose the three non-party members of the NYPD.

Accordingly, Plaintiff respectfully requests an extension of time to complete discovery from February 29, 2016 up to and including April 14, 2016. Defendants consent to this request. This is the second such request, the first request having been jointly submitted and granted. Document discovery is largely completed, and depositions of both parties have been held.

We thank the Court for its time and consideration.

Respectfully Submitted,

/s/

Jessica Massimi (JM-2920)

cc: Peter Fogarty, ACC (By ECF)